

4. Pursuant to Fed. R. Civ. P. 15(a)(2), a court should freely give a party leave to amend its pleading when justice requires. *See* Fed. R. Civ. P. 15(a)(2).

5. “Rule 15(a) declares that leave to amend ‘shall be freely given when justice so requires’; this mandate is to be heeded. If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits.” *Foman v. Davis*, 371 U.S. 178, 182 (1962).

6. A District Court may deny a motion to amend where there is “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amended, etc.” *Id.*

7. Justice would be served if Plaintiff is granted leave to amend her Complaint.

8. Plaintiff’s Motion for Leave to Amend is not brought for purposes of causing undue delay, nor is it the result of bad faith or other dilatory motive. This is Plaintiff’s first request to amend his Complaint and Defendant will not suffer any prejudice as a result of the amendment.

WHEREFORE, Plaintiff respectfully requests this Court to enter an order granting Plaintiff leave to file his First Amended Complaint (attached hereto as Exhibit “1”) and to grant any other relief deemed just and proper.

Dated this 5th day of June, 2023.

/s/ Chad W. Eisenback

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May, 2023, a true and correct copy foregoing has been provided electronically via electronic mail and/or via U.S. mail to all parties of record via CM/ECF.

/s/ Chad W. Eisenback
CHAD W. EISENBACK, ESQ.